

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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SHAIRA APONTE ORTIZ,  
Plaintiff,

v.

NANCY BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,  
Defendant.  
\_\_\_\_\_

C.A. No. 16-584-JJM-PSA

ORDER

Shaira Aponte Ortiz moved for remand or reversal after the Commissioner of Social Security denied her application for Supplemental Security Income in reliance on the Administrative Law Judge's (ALJ) determination that she was not disabled. ECF No. 9. The Commissioner moved to affirm. ECF No. 11. Upon the Court's referral, Magistrate Judge Patricia A. Sullivan, after thoroughly analyzing each parties' position and the record, issued a Report and Recommendation (R&R) concluding that this Court should affirm the benefits denial. ECF No. 12.

Before the Court is Ms. Ortiz's objection to the R&R. ECF No. 13. This Court has thoroughly reviewed the record and the briefing de novo and agrees with the Magistrate Judge that the Commissioner's denial should be affirmed for the substantive reasons set forth in the R&R. The Court finds no merit in Ms. Ortiz's objection. The ALJ did not err in his assessment of the medical and opinion evidence in the record or of the claimant's subjective symptoms. The evidence upon which the

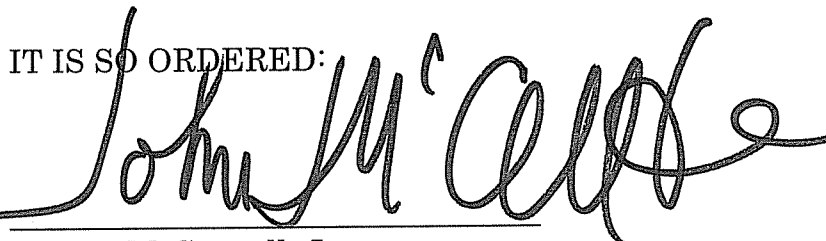
ALJ relied is adequate to support his conclusions. Accordingly, the Court adopts the R&R in its entirety.

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The Court does not, however, adopt the Magistrate Judge's view that the claimant's briefing contained "troubling misstatements and mischaracterizations." ECF No. 12 at 23. After its own review of the record and briefing, the Court notes only the one mis-citing instance where the claimant's attorney acknowledges a single unintentional and inconsequential error. ECF No. 13 at 5. Other than that, the Court found the advocacy from both parties to be ethical and reasonable in the context of the record evidence.

For the reasons stated in the R&R (ECF No. 12), the Court GRANTS the Commissioner's Motion to Affirm (ECF No. 11) and DENIES Ms. Ortiz's Motion to Reverse. ECF No. 9.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.  
United States District Judge  
November 27, 2017